

REMARKS

Claims 1-35 were presented at the time of filing. Claims 1, 2, 12, 13, 17, 22, 23 and 31-35 were canceled in applicants' response of April 28, 2010. Claims 3-11, 14-16, 18-21 and 24-30 are currently pending in the application, and the examiner has indicated that claims 3-11, 14-16, and 18-21 have been searched and examined. Claims 24-30 are currently withdrawn from consideration.

The office action of July 8, 2010, presents a single rejection of the pending claims under 35 USC §103. The rejection is over US published application 2003/0199529 ("Garvey") and 47 other US and foreign patents and applications cited in the specification in view of Wang Am.J.Physiol.Renal Physiol. 283, F658-F662 (2002). The rejection is strenuously traversed.

Applicants here set aside discussion of the 47 US and foreign patents and applications cited in the specification inasmuch as the examiner has not indicated with any specificity what teachings in any of these documents renders the claims obvious. Instead, applicants focus on the two references that the examiner has specifically referred to: Garvey and Wang.

Garvey teaches compounds that include "a mast cell stabilizer".... "linked to a NO or NO₂ group or a group which stimulates endogenous production of NO" Applicants claimed compounds are cromolyn esters (cromolyn is a mast cell stabilizer) of groups which inhibit endogenous production of NO. As noted in the specification in paragraph [0005] (where Garvey is expressly discussed), applicants' approach is precisely the opposite of Garvey. A person of skill does not begin from a reference that expressly teaches away from the invention. A proper obviousness rejection cannot begin from Garvey.

Adding Wang to Garvey extends the obviousness rejection further from a sound basis. Wang discusses the role of NO in renal function. Wang administered an iNOS inhibitor (L-NIL)

to mice and observed that fluid absorption and bicarbonate absorption in the renal tubules were decreased. The utility of applicants' claimed compounds is for pulmonary disorders (claims 24-30); applicants' compounds are not disclosed or claimed to regulate fluid and bicarbonate absorption in renal tubules. The examiner has not pointed to any teaching in Wang regarding pulmonary disorders, and applicants could find none.

Thus, a reference which teaches away from the invention (Garvey) has been combined with a reference which is silent on the question at hand (Wang).

As an aside, applicants note that Garvey discloses two species (examples 7 and 8) that have a structural feature (the cromolyn ring system) in common with applicants' claimed compounds. However the residues attached to the rings in Garvey contain nitro and nitroso groups, which do not merely fall outside the scope of applicants' claims; they are the antithesis of the groups attached to cromolyn rings in applicants' compounds.

Rejection over Garvey in view of Wang cannot stand. Reconsideration of the rejection and allowance of the claims are respectfully requested.

Respectfully submitted,



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